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[SECRET.]

[House of Representatives, No. 361.]

HOUSE OF REPRESENTATIVES, January 30, 1865.—Read first and second times, made special order after pending special order and ordered to be printed.

[By Mr. Clarke

# A BILL

To provide for the establishment of a Bureau for Special and Secret Service.

Whereas, There is now no efficient system for the encouragement, development or application of new inventions or secret agencies for the defence of the country: *and whereas*, It has been shown that, by individual exertion and private enterprise, many useful inventions have been made which would be greatly beneficial to the common defence, were they regularly and systematically applied; *and whereas*, There is now no department, authorized under existing laws, to experiment upon and reduce to system the operation of new and destructive modes of warfare, or for the efficient direction of secret agencies, and to provide for the perfection and application of the same:

*The Congress of the Confederate States of America do enact*, That a bureau, in connection with the War Department, for the examination, experiment and application of warlike inventions and direction of secret agencies is hereby established, to

consist of one chief of bureau and a board of examiners, to consist of three members, to be composed of competent, scientific and mechanical persons, whose attainments or experience may qualify them for the duty. The rank of the chief of bureau and of the board of examining officers to be determined by the President, who may assign officers now in service to those duties, or make original appointments, as he may deem best.

SEC. 2. It shall be the duty of the bureau hereby organized, to examine all inventions, plans and enterprises which may be of value in offensive or defensive warfare, and to cause to be tested, by actual experiment, such as may require it, and are so far approved by the President or board of examining officers, as to warrant the expenditure for such practical test; and whenever any invention, plan or enterprise shall have been so examined or approved, it shall be the duty of the bureau to provide for its efficient application; and for that purpose it shall have power and authority to make all necessary contracts for the construction or purchase of all necessary devices, materials and implements; and it shall be the duty of all other departments and bureaus to answer all requisitions upon them, by the proper officers of the bureau of secret service, when it can be done without serious detriment to other branches of the public service; and to employ agents and experts in like manner as other departments and bureaus of the government; and the forms and regu-

lations of the engineer bureau, not inapplicable, shall be those to be observed and conformed to by this bureau.

SEC. 3. It shall be the duty of the board of examining officers, who shall be under the orders of the chief of bureau, to examine and ascertain the merit and practicability of such inventions, plans and secret enterprises, as may be submitted, as specified in the second section, and to decide upon the qualifications of candidates for appointments, and the decision of a majority of their number shall determine the adoption or rejection, subject to the approval of the President, if disapproved by the chief of the bureau; and the chief of the bureau will appoint the proper persons and give the necessary orders for carrying into effect the provisions of this section. It is, however, *further Provided*, That the President shall have the power to direct the chief of bureau to carry into effect any plan or enterprise, or secret service, which he may approve, and to apply, if necessary, any of the secret service funds heretofore appropriated, or which may be hereafter appropriated, for defraying the necessary expenditures for carrying such plan or service into effect.

SEC. 4. The chief of bureau shall have discretionary power, subject to the approval of the President, when the service is unusually important, to employ secret agents for service either in the Confederate States, or within the enemy's lines, or in any foreign country; and for this purpose is empowered, with the

approval of the President, to make use of any fund hereafter appropriated, and, if necessary, to draw upon the secret service fund already appropriated, to defray the expenses of such service; and he is also authorized to organize such a system for the application of the new means of warfare approved, and of secret service agencies, as may tend best to secure the objects of the establishment of the bureau herein provided for.

SEC. 5. There shall be organized, under, and in connection with this bureau, a *polytechnic corps*, to consist of one chief of corps, with the necessary number of commanders, captains, first lieutenants and second lieutenants, to be appointed by the President, by and with the advice and consent of the Senate, or to be assigned by him, and such number and grades of non-commissioned officers and men as may be necessary for the perfection and application of such plans and enterprises as may be approved, whose rations and pay shall be the same as in the corresponding grades of the engineer corps; and who shall be under the control and act under the orders of the chief of bureau, who shall receive his orders from and be under the control and direction of the President.

SEC. 6. The officers and men of this corps shall be assigned and detailed from other branches of service, upon the requisition of the chief of bureau, when this may be done without serious detriment to the service to which they belong, or recruited in like manner as for other branches of the military or naval service, reference being had in the assignment, detail or recruit-

ing of men, to their fitness for the particular service for which they are assigned. *Provided*, that the number of commissioned officers of all grades assigned, fit for duty in other branches of service, shall not exceed twenty, and that the appointments of officers from among persons now engaged in this service, and from those not liable to, or who are unfit for active field duty, shall not exceed a corresponding number; and that the number of non-commissioned officers and men assigned from other service, or from those liable to field duty, shall not exceed two hundred. This provision, however, shall not be construed to prevent the temporary detail of men to this service, when deemed necessary by commanders of departments; nor to prevent the increase of the corps of non-commissioned officers and men by the recruiting and employment of those not liable or equal to field duty, or of persons outside of the limits of the Confederate States.

SEC. 7. The chief of bureau shall be, and is hereby authorized to make such contracts for the purchase of, or right to use, any patented invention applicable to and valuable in this branch of service, or to the Confederate States: *Provided*, That such contract or purchase shall be subject to the approval of the President or board of examining officers, and that in the case of such inventions as are intended to receive the benefits of the Act of Congress, approved April 21st, 1862, giving one-half of the armed vessels of the enemy which may be destroyed by any new invention or contrivance, or the benefit of any Act which may hereafter be passed, giving compensation for the destruction of property of the enemy in similar cases, the cost of the construction and application of such invention or contrivance incurred by the government, shall be deducted from the amount

authorized to be paid under said Act, or as authorized under this Act.

SEC. 8. The bureau is hereby authorized to employ such clerks draughtsmen and others, unfit for field duty, as may be necessary for the business of the bureau, with the same pay as is received by like employees of the engineer bureau, and to make such other incidental disbursements as may be necessary to carry into effect the objects of this Act; and the officers and men and employees shall have the same rights and immunities and be subject to the same penalties as those of other branches of service in the army of the Confederate States.

SEC. 9. The companies and parties now irregularly organized for the application of submerged or other defences, and known as torpedo corps, and for the construction and use of new warlike inventions or for secret service, shall be incorporated into and form a part of the organization contemplated by this Act: *Provided*, That in such incorporation, the terms and conditions of persons heretofore organizing or joining such organizations shall not be invalidated thereby: *Provided further*, That no person shall be exempted from military service by reason of being a member of any such organization, unless his personal services are engaged in its duties.

SEC. 10. The valuation of public property, transportation, arms and munitions of war of the enemy destroyed, and for which compensation is provided in the Acts approved April 21, 1862, or which may be provided in any Act which may hereafter be passed, giving compensation in like cases, shall be made by the

board of examining officers, subject to the approval of the President, and their award be immediately paid to the claimants whose claims are approved; and the examining officers shall take evidence as to the originality and priority of inventions, in cases of claims for compensation, and also as to the claims of different parties claiming the bounty for the same work performed, the claimant being allowed a reasonable time to produce his evidence, and examination and valuation by experts being authorized when necessary, and the decision and award of the examining board, when asked by the claimants, shall be final and binding; and should it appear from the testimony that the parties using any particular invention or device, in whole or in part, were not the original inventors, a portion of the award, to be determined by the board of examining officers, shall be made to the party who shall prove his priority to the invention; which rule shall also apply when an old invention is successfully adapted to a new and valuable use. And for the destruction of other property in the enemy's country, where such destruction shall be considered serviceable to the cause of the Confederate States, such compensation for the service shall be allowed as may be adjudged equitable and just.

SEC. 11. When it shall be proven to the satisfaction of the board of examining officers, by the evidence of patents or otherwise, that the right of priority or ownership of any patented invention is rightfully possessed, and the government has appropriated and is using such patented invention, a fair compensation

shall be awarded for such appropriation and use, the award to be in proportion to the extent and value of its use to the government, such award to be determined by a majority of the board of examining officers, and approved by the President.

SEC. 12. The operations of the corps hereby organized, shall be, when in the limits of the Confederate States, under the control of the commander of the department where they may be designed to act, as to the proper *time* and *place* for such action.

SEC. 13. All bounties and awards authorised to be paid under the provisions of this Act, shall be paid in the currency of the Confederate States, if the claimant shall so elect, in lieu of bonds, as heretofore provided for in previous acts.

SEC. 14. It is hereby expressly declared that the right of compensation for any new invention or contrivance, or the application thereof, shall be in no wise invalidated by reason of the inventor being in the service of the Confederate States.

SEC. 15. All the accounts and claims, settled and pending, and all information necessary to the effective organization of the bureau and service, in possession of the different departments, shall be turned over to the secret service bureau for proper arrangement and classification, to afford the necessary information for the settlement of claims and for the continuance of the service which is now being performed; subject, however, to the decision of the President, as to *what* service and business of this character shall be placed under the control of the secret service bureau.

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